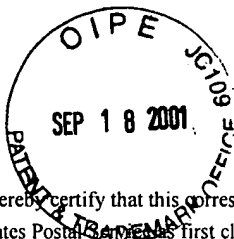


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PATENT  
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On 10 Sept - 2001

TOWNSEND and TOWNSEND and CREW LLP

By: Malinda Dagit

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

MICHELINE MARKEY et al.

Application No.: 09/432,881

Filed: November 2, 1999

For: PHARMACOLOGICAL  
PROLONGATION OF THE FED  
MODE FOR ENHANCED DRUG  
ADMINISTRATION

Examiner: Webman, E.

Art Unit: 1617

SUPPLEMENTAL ELECTION

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

This Supplemental Election is submitted in response to the Communication mailed on August 14, 2001, in connection with the above patent application, and the telephone conference between Applicants' attorney and the examiner on September 6, 2001 initiated by Applicants' attorney for purposes of clarifying the Communication.


The August 14 communication requires two elections in addition to those made in Applicants' paper entitled "ELECTION" mailed on May 23, 2001. These two additional elections are as follows:

(1) The first is an election of the location of the fed mode inducing agent vis-à-vis the drug. Applicants hereby elect those species in which the fed mode inducing agent is incorporated into the same matrix in which the drug is incorporated. Claims reading on this species are claims 1, 2, 5-46, 48-51, and 56-99.

(2) The second is an election of the nature of the dosage form in terms of whether it is large enough prior to ingestion to promote gastric retention or swells after ingestion to a size large enough to promote gastric retention. Applicants hereby elect those species in which the dosage form swells after ingestion to a size large enough to promote gastric retention. Claims reading on this species are claims 1-4 and 6-99.

Combining these elections with the elections made by Applicants in their paper of May 23, 2001 (the composition claims of Group I and sodium docusate as the fed mode inducing agent), the claims of Group I that read on all three elections are claims 1, 2, 6, 14-18, 48-51, and 97-99.

Respectfully submitted,



M. Henry Heines  
Reg. No. 28,219

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TRANSMITTAL  
FORM

(to be used for all correspondence after initial filing)

Application Number	09/432,881
Filing Date	November 2, 1999
First Named Inventor	Markey, Micheline
Group Art Unit	1617
Examiner Name	Webman, E.
Attorney Docket Number	015662000900

Total Number of Pages in This Submission

## ENCLOSURES (check all that apply)

☐ Fee Transmittal Form☐ Fee Attached☒ Amendment / Response –  
“Supplemental Election”☐ After Final☐ Affidavits/declaration(s)☐ Extension of Time Request☒ Express Abandonment Request☐ Information Disclosure Statement☐ Certified Copy of Priority  
Document(s)☐ Response to Missing Parts/  
Incomplete Application☐ Response to Missing  
Parts under 37 CFR  
1.52 or 1.53☐ Assignment Papers  
(for an Application)☐ Drawing(s)☐ Licensing-related Papers☐ Petition Routing Slip (PTO/SB/69)  
and Accompanying Petition☐ Petition to Convert to a  
Provisional Application☐ Power of Attorney, Revocation  
Change of Correspondence Address☐ Terminal Disclaimer☐ Request for Refund☐ CD, Number of CD(s)☐ After Allowance Communication to  
Group☐ Appeal Communication to Board of  
Appeals and Interferences☐ Appeal Communication to Group  
(Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☒ Other Enclosure(s)  
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and  
Individual name

Townsend and Townsend and Crew LLP

M. Henry Heines

Reg No. 28,219

Signature

Date

September 10, 2001

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